

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BOXCAR MEDIA, LLC, and
RACEWAY MEDIA, LLC,

Plaintiffs,

V.

REDNECKJUNK, LLC,
DR. THOMAS P. CONNELLY, and
CONNELLY RACING, INC.,

Defendants.

CIVIL ACTION NO. 04-40051-NMG

PROPOSED ORDER ON
JOINT MOTION FOR
ENTRY OF STIPULATED JUDGMENT
AND PERMANENT INJUNCTION

Having duly considered the parties' joint submission on this motion, their stipulation as to judgment on the Plaintiffs' Complaint, and their execution of a Settlement Agreement, it is hereby ORDERED and ADJUDGED that:

1. Judgment shall enter for the plaintiffs on their Complaint as follows:

Defendants, together with their officers, directors, agents, successors, representatives and assigns, are hereby permanently enjoined from engaging in the following conduct:

- (a) marketing, advertising, displaying and/or otherwise promoting, and/or using as a business name, trade name and/or domain name, the names “redneckjunk,” “redneckjunk.com,” “rjunk,” “rjunk.com,” or any other name or mark containing the word “junk”;
- (b) marketing, advertising, displaying and/or otherwise promoting, and/or using as a business name, trade name and/or domain name, any name and/or mark confusingly similar to Plaintiffs’ trademarks, which include “RacingJunk,” “RacingJunk.com,” “BoatingJunk,” “BoatingJunk.com,” “RvJunk” and “RvJunk.com”;
- (c) causing, facilitating, and/or encouraging third parties to advertise, to market, to display or otherwise to promote any name and/or mark whose use is prohibited to the Defendants under paragraphs (a) and/or (b) of this injunction, whether or not such third parties are compensated for the promotion of such name and/or mark; and

- (d) taking customer advertisements from Plaintiffs' web sites without prior permission from the customers at issue, and/or continuing to use customer advertisements taken from Plaintiffs' web sites without prior permission from the customers at issue.
- (e) Redneckjunk has, by notice to the Court, waived any and all rights of appeal from this judgment.

2. This Court shall retain jurisdiction over this matter and the parties for the purpose of enforcing and interpreting this injunction and judgment during and following the disposition of this civil action.

3. The bond deposited by Plaintiffs with the Court upon this Court's issuance of a preliminary injunction in the Plaintiffs' favor shall be returned to the Plaintiffs. Each party shall bear its own costs incurred in this action.

, J.

Dated:

1383602 v2 - HERMESJP - 021073/0002